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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,556	04/06/1999	OLAF VANCURA	1999/2	6442

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/287,556

Applicant(s)

VANCURA ET AL. 

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 9, 11-15, 17-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-9, 11-15, 17-19, 21-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-9, 11-15, 17-19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Huard et al. (U.S. Patent 5,743,800).

Claim 1: Huard et al. discloses a community event, which is an auxillary jackpot reward triggered by the draw a particular set of cards during a primary casino game. Players wager on the jackpot reward (community event) and the dealing of a particular set of cards to a player (chance event) which occurs during the primary casino game (game of chance) triggers the payout of the jackpot reward. The jackpot reward is a prize pool created by individual wagers by players. The reward to the player(s) who win the jackpot reward is a percentage of the total amount collected from the players (col. 3, lines 10-12). In addition, since players will always win a percentage of their own contribution to the jackpot, the jackpot award can be proportional to individual player's contribution to that jackpot.

Claim 2: The community event (jackpot) is selected and established before the wagering is made on the jackpot itself.

Claim 3: The chance event is the dealing of a particular set of cards to a player.

Claim 4: Accepting individual wagers from players adds individual portions to the prize pool in the jack pot.

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Claim 5: The prize pool in the jackpot increases during the wagering on the prize pool, and before the jackpot reward is paid out. The time period before the jackpot reward is paid out is when the “community event does not occur”.

Claim 8-9: The community event (jackpot award) requires the play of a game of chance (the primary casino game). That game of chance may be baccarat (col. 7, line 58). Any arrangement draw of cards by the player, including those in which a player matches happens to tie a banker, could trigger the jackpot.

Claim 11: The community event (jackpot award) requires the play of a game of chance (the primary casino game). The primary casino game may be blackjack.

Claim 12: In the context of a casino, playing the community event (jackpot reward) at more than one gaming table constitutes the creation of more than one community event. The invention is intended to be played at a casino (col. 5, line 2) having multiple card tables. Thus, there is inherently multiple community events taking place.

Claim 13: See remarks for claim 1.

Claim 14: See remarks for claim 3.

Claim 15: In addition to dealing particular cards to players, the chance event can also be triggered by play on a roulette wheel (col. 7, line 60).

Claim 17: See remarks for claim 1.

Claim 18: See remarks for claim 1. Also note that the player’s reward may also be proportional to the player contributions, such as in a progressive jackpot (col. 9, lines 40-42). In such an instance, the reward will also be proportional to the ratio of player’s contribution to the

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total jackpot, since the total jackpot amount is a constant value. The player's reward is proportional to both of these figures.

Claim 19: The player's chance of winning is also proportional to their contribution. For example, if a player does not participate in any of the primary or auxiliary games, their contribution is zero and their chance of winning is zero, since they are not participating. A player that does participate in the primary game has at least a certain defined chance of winning the games.

Claim 21: See col. 9, lines 40-42.

Claim 22: See remarks for claim 18.

#### Remarks

Applicant's arguments and amendments have been considered. Applicant's amendments have overcome all the previously applied grounds of rejection under 35 USC 112, second paragraph.

With respect to the application of the Huard et al. reference, applicant argues that Huard et al. does not disclose a plurality of players which are rewarded from the prize pool. Examiner maintains that this feature is fully and explicitly taught by Huard et al. The prize pool of Huard et al. is the jackpot amount paid as part of auxiliary prize game. A plurality of players may participate in and receive this jackpot (See FIG. 3, third to last step and col. 3, lines 50-64).

Applicant also argues that Huard et al. does not teach a "community event" as defined in applicant's specification. Applicant defines a "community event" in the specification at page 26, lines 1-2 as "an event common to all participant's in at least one game". Examiner maintains that

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the jackpot for the auxiliary game is readily definable as a "community event" since all the participants in the principal card game are potential candidates for the jackpot. The jackpot thus becomes a common event to the community of players in the principal card game, since any of the players are potentially eligible for winning the jackpot.

Applicant also argues that Huard et al. does not disclose the step of having the chances of winning the auxiliary game proportional to the player's contribution. Examiner maintains that such a feature is resident in the teachings of Huard et al. A player which does not participate in any of the games makes a zero bet and thus has no chance of any winnings. A player that does participate in the games improves their chance of winning by participating, which requires contributing a bet. Thus, the chances of winning increase by making a bet which is higher than a zero bet.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell  
Primary Examiner  
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